REMARKS

I. Status of the Claims:

Claims 1-39 are currently pending.

II. Rejection under 35 U.S.C. § 103:

Claims 1-18, 21-25, 31-32 and 34-39 are rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi et al. (US 2001/0014911) in view of Lunsford et al. (US 6,982,962). Claim 33 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi in view of Lunsford and further in view of Carothers et al. (US 2002/0069117). Claim 29 is rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Doi in view of Lunsford and further in view of Owen et al. (US 6,611,501). The Applicants respectfully disagree with these rejections, as follows.

A. Claims 1 and 37-39:

Claim 1 is directed to a method involving (1) recognizing one or more service opportunities of a service operator on a user device operated by a user; (2) determining a privacy level at which communications is conducted with the service operator relating to the one or more service opportunities of the service operator; and (3) conducting the communications with the service operator at the privacy level. The recognizing occurs before the determining and the conducting.

That is, in claim 1, the claimed recognizing, determining and conducting are performed with respect to the same service operator or in the context of a service opportunity of the same service operator.

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In the Office Action, the Examiner states:

In the remarks, Applicant argues, in substance, that (1) Lunsford
does not perform any recognizing of one or more service
opportunities of the service operator, since the service providers
are already known to Lunsford.

(Office Action, p.12).

However, this is simply a mischaracterization of the Applicants' position. In the prior

Amendment, the Applicants were asserting that the cited references Doi and Lunsford together

do not address the recognizing operation or the claimed combination when claim 1 is read as a

whole, particularly in view of the manner in which Doi is relied upon by the Examiner. That is,

the Examiner is addressing claim 1 in an arbitrary piecemeal fashion without taking into proper

context the teachings of the cited references in view of the claims as a whole.

Turning to the primary reference, Doi as relied upon by the Examiner describes a

system in which a user through a mobile terminal is able to obtain services, such as a user non-

identification or identification service, from a service provider across a network connection via

the Internet. <u>See</u> Doi, Fig. 11. In operation, the mobile terminal sends a service request to the

<u>already known</u> service provider (and its services) across the wireless network 18, gateway 19 and

Internet 20. Thus, the mobile terminal 10 does not perform any recognizing of one or more

service opportunities of the location dependent service provider or such recognizing occurring

before the determining and conducting operations. The Examiner has acknowledged that these

features are not taught by Doi. The Examiner, however, relies on Lunsford as remedying the

deficiencies in the Doi teachings. The Applicants respectfully disagree as follows.

First, as best understood, the Examiner appears to rely on the user non-

identification or identification services and the service providing servers (accessible across the

Internet) in Doi as reading on the claimed service opportunity and service operator, respectively,

with reference to the determining and conducting operations as claimed. Since Lunsford as relied upon the Examiner relates to the ability to detect and select network access providers, it is unclear how this capability pertaining to network access in Lunsford would provide the teaching, suggestion or motivation for modifying the system of Doi to allow a mobile terminal to recognize the services, e.g., non-user identification or identification service, of the service providing servers before the claimed determining and conducting operations. As noted in the prior Amendment, Lunsford simply deals with establishing network connection and does <u>not</u> deal with services available across the connection (e.g., Internet) such as in Doi or the recognition of any such services. Further, claim 1 as a whole makes clear that the communications (as they relate to recognized service opportunities) with the service operator is conducted at the privacy level and thus the service opportunities do not pertain to "network access".

Second, as noted above, the mobile terminal in Doi is <u>already aware</u> of the service provider (and its services) since it sends a service request to the service provider across the wireless network 18, gateway 19 and Internet 20. Thus, it is unclear why one of ordinary skill in the art would modify the Doi system to implement any recognizing operation, as claimed.

Third, even assuming for argument sake that the teaching of Doi and Lunsford may be combined, the resulting combination would not disclose or suggest the claimed combination of claim 1. Instead, if combined, the resulting system or method at best would simply allow the mobile terminal of Doi to be able to select a network access or network access provider *(as taught in Lunsford)* to access the Internet and thereafter through the selected network acce<u>s</u>s send a service request to the <u>already known</u> service provider (and its services) *as in Doi* across the Internet. It is clear that the resulting combination would still not disclose or

suggest the claimed recognizing operation or the operations of the recognizing, determining and conducting being performed with respect to the same service operator or service opportunit(ies).

Finally, the Examiner appears to be relying on the same on-again, off-again position that communications access and communications access provider (e.g., access point or "network access provider" for example in Lunsford or even Doi) allegedly read on the "service opportunities" and "service operator" with respect to the claimed recognizing operation. See Amendment (12/23/05). The addition of Lunsford, however, still does not remedy the deficiencies in this repeatedly asserted and withdrawn argument by the Examiner which were employed in the prior 102 rejections in view of Doi. Specifically, the network access provider of Lunsford, as with the operator of the wireless gateway/access point in Doi, are communication network providers that are different than the service providing servers (the service provider) in Doi. Interpreting the network access provider and the service providing server to be the same service operator would also be contrary to the privacy arrangement as claimed as well as in Doi since the operator of the "access point" actually receives the User ID.

Thus, in view of at least the foregoing, claim 1 and their dependent claims are distinguishable over the cited references, individually or in combination. For similar reasons, claims 37-39 and their dependent claims are also distinguishable over the cited references, individually or in combination.

B.   Claim 34:

Independent claim 34 is directed to a method involving recognizing one or more service opportunities of a service operator on a user device operated by a user; determining a privacy level at which communications is conducted with the service operator relating to the one or more service opportunities on the user device; determining a profile access level on the user device; transmitting the profile access level to the service operator; and enabling the service operator to obtain a subset of profile information of the user from the profile operator according to the profile access level. The recognizing occurs before the determining a privacy level, the determining a profile access level, the transmitting and the enabling.

For similar reasons as discussed above for claim 1, claims 34 and its dependent claims are also believed to be distinguishable over the cited references, individually or in combination.

Further, for the reasons set forth below with reference to claim 21, the cited references also do not disclose or suggest transmitting the profile access level to the service operator; and enabling the service operator to obtain a subset of profile information of the user from a profile operator according to the profile access level, as recited in claim 34.

Accordingly, claim 34 and its dependent claims are distinguishable over the cited references.

C.   Claim 21:

Claim 21 further recites that the allowing the service provider comprises: determining a profile access level; and transmitting the profile access level to the service _

operator, wherein the service operator obtains a subset of profile information from a profile operator according to the profile access level.

As claimed, the "profile access level" and "subset of profile information" are different information or data. That is, a service operator receives the determined profile access level and, then, obtains a subset of profile information from a profile operator according to the determined profile access level.

On the contrary, as best understood, the Examiner appears to rely somehow on the dynamic user profile to read on the profile access level as well as a subset of profile information, which is inconsistent with this claim when read as a whole. The Office Action does not adequately address each aspect of this claim, including for example what is the profile access level transmitted and the subset of profile information obtained according to the transmitted profile access level. Thus, claim 21 is believed to be further distinguishable over the cited references, individually or in combination.

D.   Claim 23:

Claim 23 further recites that the determining a profile access determines the profile access level based upon a prior arrangement between the service operator and the user.

As best understood, the Examiner appears to rely somehow on "determining whether to use a static or dynamic user profile" of Doi as reading on this claimed aspect. It is however unclear how this determination in Doi pertaining to profiles is based on a "prior arrangement" between the service operator and the user.

Accordingly, claim 23 is further distinguishable over the cited references, individually or in combination.

E.   Claim 27:

Claim 27 further recites tracking user activity on the user device, wherein the profile information of the user is updated based on the tracked user activity.

The Examiner alleges that (1) servers can use tracking cookies in order to track users throughout their website, and in order for advertisers to determine which advertisements to transmit to the user; and (2) it would have been obvious to one of ordinary skill in the art to update the dynamic user profile of Doi to include tracking information in order to track users using the system as well as for logging and security systems, which is well known as being under constant attacks from hackers.

The Applicants respectfully disagree with the Examiner's rationale, particularly with respect to the underlying motivation and the alleged well known facts. Specifically, it is unclear how the alleged motivation of security and hackers and tracking for the sake of tracking is even proper in the context of the alleged well known facts and the teachings of Doi, since the cookies or making information available to advertisers themselves would not create more security but rather result in less security and user privacy, contrary to Doi. Thus, there is no proper motivation provided by the Examiner in modifying Doi in the manner suggested by the Examiner.

Accordingly, claim 27 is further distinguishable over the cited references, individually or in combination.

F.   Claim 28:

Claim 28 further recites that the service opportunities recognized by the user are dynamically changed by the service provider.

The Examiner asserts that the changing "service opportunities" are read upon by changing wireless gateways as the object moves around, as pertaining to Doi. However, as discussed with reference to claim 1, such an interpretation is inconsistent with the Examiner's position with regard to the user non-identification and identification service as being the "service opportunities" with respect to the other claimed aspects, such as the claimed determining and conducting operations. Thus, the cited references, as relied upon by the Examiner, are silent as to this claimed aspect as well.

Accordingly, claim 28 is further distinguishable over the cited references, individually or in combination.

G.   Claim 4-9:

Claim 4 recites that the recognizing comprises anonymously obtaining information relating to the one or more service opportunities. Claim 5 recites that the information relating to the one or more service opportunities comprises one of a service category, a service description and a requested viewpoint. Claim 6 recites allowing the service provider to obtain access to a subset of profile information of the user according to the service category. Claim 7 recites providing personalized service to the user according to the subset of profile information. Claim 8 recites allowing the service provider to obtain a subset of profile information of the user according to the requested viewpoint. Claim 9 recites providing personalized service to the user according to the subset of profile information.

That is, the user device in the recognizing operation *"anonymously"* obtains information relating to the one or more services, such as a service category, a service description or a requested viewpoint.

As best understood, the Examiner somehow is relying on the dynamic user profile memory in Doi (e.g., para [0036]) and the second embodiment in Doi (Fig. 7 and paras [0056-62]) as to "user identifiable or user anonymous, location dependent or location independent" as allegedly showing a recognizing operation involving anonymously obtaining information such as service category. It is, however, apparent that these cited portions of Doi do not disclose or suggest the claimed recognizing operation involving *anonymously obtaining* information relating to the one or more service opportunities, such as service category. Indeed, as acknowledged by the Examiner, Doi is silent as to the recognizing operation. Thus, Doi is also silent as to the recognizing operation involving "*anonymously*" obtaining information relating to the one or more services, such as a service category, a service description or a requested viewpoint. The Office Action does not adequately address these aspects, such as the anonymously obtaining, etc. as claimed, and does not address the claims as a whole but rather in an arbitrary, piecemeal fashion. As such, dependent claim 4 as well as claims 5-9 are further distinguishable over the cited references.

CONCLUSION

Based on the foregoing amendments and remarks, the Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. <u>13-4500</u>, Order No. <u>4208-4007</u>.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. <u>13-4500</u>, Order No. <u>4208-4007</u>.

Respectfully submitted,
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Dated: _9/28/06_   By: _____
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